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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY DARNELLE FLETCHER,

Petitioner,

vs.

JERRY HOWELL, *et al.*,

Respondents

Case No. 2:21-cv-01223-RFB-DJA

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO RESPOND
TO SECOND AMENDED PETITION FOR
WRIT OF HABEAS CORPUS
(FIRST REQUEST)**

Respondents, Warden Jerry Howell, *et al.* (Respondents), by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Gerri Lynn Hardcastle, Deputy Attorney General, move this Court for an order allowing them a sixty-day (60) day enlargement of time, or up to and including Friday, January 13, 2023, to respond to Petitioner Anthony Fletcher's (Fletcher) second amended petition for writ of habeas corpus.

This motion is based on the provisions of Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure and the attached Declaration of Counsel, as well as all other pleadings and papers on file herein.

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1 This is Respondents' first request for an enlargement of time to respond to Fletcher's second
2 amended petition. Respondents make this motion in good faith and not for the purpose of unnecessary
3 delay.

4 RESPECTFULLY SUBMITTED this 14th day of November, 2022.

5 AARON D. FORD
6 Attorney General

7 By: /s/ Gerri Lynn Hardcastle
8 GERRI LYNN HARDCASTLE (Bar No. 13142)
9 Deputy Attorney General

10 IT IS SO ORDERED:

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12 RICHARD F. BOULWARE, II
13 United States District Judge

14 DATED this 14th day of November, 2022.
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DECLARATION OF COUSEL
(IN SUPPORT OF UNOPPOSED MOTION
FOR ENLARGEMENT OF TIME TO
RESPOND TO SECOND AMENDED
PETITION FOR WRIT OF HABEAS
CORPUS
(FIRST REQUEST))

I, Gerri Lynn Hardcastle, hereby state, based on personal knowledge and/or information and belief, that the assertions in this declaration are true:

1. I am a Deputy Attorney General in the Post-Conviction Division of the Nevada Attorney General's Office, and I am assigned to represent Respondents in this matter. I make this declaration in support of Respondents' motion for enlargement of time to respond to Fletcher's second amended habeas petition.

2. By this motion, I am requesting a sixty-day enlargement of time, or up to and including Friday, January 13, 2023, to respond to Fletcher's amended petition. This is my first request for an enlargement of time.

3. The response is due on Monday, November 14, 2022.

4. In addition to completing the ordinary, day-to-day tasks, I am extremely busy balancing my obligations in this case with other impending deadlines. The post-conviction division of the Office of the Attorney General is currently, but temporarily, short-staffed. Therefore, I have recently become

1 responsible for additional cases and assumed additional duties. Additionally, I was assigned a new case
2 earlier this week, and the case is scheduled for oral argument before the Ninth Circuit Court of Appeals
3 on January 9, 2023. I am therefore seeking sixty days to accommodate the amount of time I will need
4 to devote to preparing for the oral argument, as well as the upcoming holiday season and my previously
5 planned annual leave.

6 5. Earlier this week, I exchanged emails with Jonathan Kirshbaum, the Assistant Federal
7 Public Defender representing Fletcher. Mr. Kirshbaum said he does not object to the proposed
8 enlargement.

9 6. This motion is made in good faith and not for the purpose of unduly delaying the
10 ultimate disposition of this case.

11 7. Pursuant to 28 U.S.C. § 1746, I hereby certify, under penalty of perjury, that the
12 foregoing is true and correct.

13 EXECUTED this 14th day of November, 2022.

14 AARON D. FORD
15 Attorney General

16 By: /s/ Gerri Lynn Hardcastle
17 GERRI LYNN HARDCASTLE (Bar. No. 13142)
18 Deputy Attorney General
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 14th day of November, 2022, I served a copy of the foregoing **UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO SECOND AMENDED PETITION FOR WRIT OF HABEAS CORPUS (FIRST REQUEST)** by U.S. District Court CM/ECF electronic filing to:

Jonathan M. Kirshbaum
411 E. Bonneville Ave Ste 250
Las Vegas, NV 89101

/s/ Carrie L. Crago